

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:08-CR-93-BR

UNITED STATES OF AMERICA,)
)
 v.) O R D E R
)
 DAVID A. HAGEN)

This matter is before the court on the government's 7 May 2009 notice, requesting that the court review *in camera* whether certain material must be disclosed to defendant in accordance with *Brady*, *Jencks* and *Giglio*. On 8 May 2009, the government filed copies of the referenced material. The government requests that the court seal the notice and any reference to this matter. Having reviewed the material filed 8 May, the court finds that both documents must be disclosed to the defense because the material constitutes evidence which may be used to impeach a government witness, namely the case agent who drafted the documents. See United States v. Ellis, 121 F.3d 908, 914 (4th Cir. 1997). The court DENIES the government's request that its notice and this order be filed under seal. The Clerk is DIRECTED to strike the government's 8 May 2009 filing from the record and return the material filed to the government.

This 12 May 2009.



W. Earl Britt
Senior U.S. District Judge